

Appl. No. 09/727,198

Supplemental After Final Amendment dated August 6, 2003

Reply to Final Office Action of March 11, 2003

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

Listing of Claims:

1. (currently & previously amended) A factor ~~for treating patients afflicted with a disease that leads to an immunosuppressed state in the patient, prepared by the process~~ which consists essentially of:
- (a) subjecting cytokine-producing lymphocyte cells to mitogenic stimulation in serum-free media for their expansion;
 - (b) collecting supernatant produced by said mitogenically stimulated cells; and
 - (c) isolating a factor from said supernatant, which factor consists essentially of therapeutic fractions greater than 50 kDa, of a supernatant derived from lymphocyte cells, which have been subjected to mitogenic stimulation in serum free medium.
2. (original) The factor of claim 1, wherein said lymphocyte cells are lymph node lymphocyte cells.
3. (original) The factor of claim 1, wherein said mitogenic stimulation includes the presence of Interleukin-2 (IL-2) and anti-CD3 monoclonal antibody.
4. (original) The factor of claim 3, wherein said mitogenic stimulation includes the presence of IL2 and soluble anti-CD3 monoclonal antibody followed by re-stimulation in the presence of insoluble anti-CD3 monoclonal antibody.
5. (original) The factor of claim 1, wherein said lymphocyte cells are peripheral blood lymphocyte cells.
6. (original) The factor of claim 1 wherein said factor comprises an approximately 70-80 kDa fraction of said 50 kDa fraction.

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7. (original) The factor of claim 4, which comprises an approximately 70-80 kDa fraction thereof.
8. (original) The factor of claim 4, wherein said lymphocyte cells are derived from one or more of a cancer patient, an HIV patient, or a patient free of cancer and HIV.

Claims 9-56 (canceled)

57. (currently & previously amended) ~~A factor for treating a patient afflicted with a disease that leads to an immunosuppressed state in the patient, prepared by the process which consists essentially of:~~

- (a) subjecting cytokine-producing lymphocyte cells to mitogenic stimulation in serum-free media for their expansion;
- (b) collecting supernatant produced by said mitogenically stimulated cells; and
- (c) isolating a factor from said supernatant, wherein said factor consists essentially of a protein whose active form has a molecular weight greater than 50 kDa, ~~said protein being derived from lymphocyte cells which have been subjected to mitogenic stimulation.~~

58. (original) The factor of claim 57, wherein said lymphocyte cells are lymph node lymphocyte cells.
59. (original) The factor of claim 57, wherein said mitogenic stimulation includes the presence of Interleukin-2 (IL-2) and anti-CD3 monoclonal antibody.
60. (original) The factor of claim 59, wherein said mitogenic stimulation includes the presence of IL2 and soluble anti-CD3 monoclonal antibody followed by re-stimulation in the presence of insoluble anti-CD3 monoclonal antibody.
61. (original) The factor of claim 57, wherein said lymphocyte cells are peripheral blood lymphocyte cells.

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62. (original) The factor of claim 57 wherein the active form of said protein has a molecular weight of approximately 70- 80 kDa.
63. (original) The factor of claim 60 wherein the active form of said protein has a molecular weight of approximately 70- 80 kDa.
64. (original) The factor of claim 57, wherein said lymphocyte cells are derived from one or more of a cancer patient, an HIV patient, or a patient free of cancer and HIV.
65. (original) The factor of claim 57, wherein the active form of said protein is a multimer.
66. (original) The factor of claim 60, wherein the active form of said protein is a multimer.
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